

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CARLOS LLUBERES-BENETIZ, :
Petitioner, :
: CIVIL ACTION
vs. : NO. 09-CV-941
:
:
DEPARTMENT OF HOMELAND SECURITY :
SECURITY, et al., :
Respondents. :

O R D E R

AND NOW, this 30th day of April, 2009, upon consideration of the Magistrate Judge's Report and Recommendation (Doc. No. 6), to which no objections have been filed, it is

ORDERED as follows:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The Petition for a Writ of Habeas Corpus is **DENIED**; and
3. There is no basis for issuing a certificate of appealability.

The Clerk of Court shall close this case for statistical purposes.

AND IT IS SO ORDERED.

s/ Paul S. Diamond

PAUL S. DIAMOND, J.